



**Tennessee Department of Environment and Conservation
Division of Water Pollution Control
Mining Section
2700 Middlebrook Pike, Suite 220
Knoxville, Tennessee 37921-5602
Phone (865) 594-6035 Fax (865) 594-6105**

Public Participation Opportunities

**Notice of Proposed Issuance of NPDES Permit
Notice of Public Hearing**

Combined Public Notice M2006-01

June 14, 2006

Issuance Date: June 14, 2006

Expiration Date on Proposed Permit Issuance: July 18, 2006

Last Day to Submit Written Comments for Hearing: August 7, 2006

The Division of Water Pollution Control, Mining Section, is requesting public comment on this proposed permit issuance. Notice is also given that the Division will hold the following public hearing at the request of the applicant, Premium Coal Company, Inc., pursuant to *Rule 1200-4-5-.06 of the Tennessee Department of Environment and Conservation*. The date, time and place of the hearing follow:

**July 25, 2006
7:00 p. m. EDT
Briceville Elementary School
103 Slatestone Road
Briceville, Tennessee**

Company Information

Premium Coal Company, Inc.
P. O. Box 480
Lake City, Tennessee 37769

Site Information

Area 20
NPDES Permit TN0079570 (Draft)
Round Rock Creek Watershed
Campbell County

Type of Discharges: Treated Wastewater and Storm Water

Type of Operation: New Contour Surface and Auger Coal Mine

Latitude: 36°14'14"

Longitude: 84°16'26"

Receiving Streams: Wet Weather Conveyances to Round Rock Creek

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How to Comment on Draft Permit

Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure quality decisions. Persons wishing to comment on the proposed permit action are invited to submit comments in writing to the Mining Section at the above letterhead address, Attn: Public Notice Coordinator, by fax (865) 594-6105, or by E-mail to Gary.Mullins@state.tn.us. Comments on the proposed permit issuance must be received by the end of the comment period, **July 18, 2006**.

Public Hearing Procedure:

The hearing officer may limit oral comments to five minutes and require that all testimony be relevant to water quality-related issues for this facility. Undue repetition should be avoided so that all interested parties will have an opportunity to present their concerns relative to water quality issues. A copy of the draft permit, rationale, and related supporting documents will be available for review. Written testimony will be accepted at the hearing and for ten days following the hearing, **August 7, 2006**.

In making our permit decision, we can consider only comments and questions concerning those areas over which we have authority under the federal NPDES program and the *Tennessee Water Quality Control Act*. Issues not related to water quality or to the conditions and requirements of the draft permit will not be considered in making our decision for this permit.

How the Department Will Proceed:

After consideration of all comments submitted during the public comment period, review of the hearing records, and the requirements of federal and state laws, the Director of the Division will make a determination regarding the final permit action.

To Obtain Permit Details:

The NPDES draft permit contains an anti-degradation determination and rationale that address information concerning the foundation for the Division's determinations. Copies of the application, draft permit, and supporting documentation are in the permit files maintained at the Mining Section's office at the letterhead address. These files are available for public inspection during normal office hours. Please call (865) 594-6035 to schedule an appointment for the review.

State of Tennessee Antidegradation Policy

Tennessee's Antidegradation Statement is in Chapter 1200-4-3-.06 of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the antidegradation policy is to establish a greater level of protection for high quality waters. Some high quality waters are in near-pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

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Generally, there are two types of high quality waters. Outstanding National Resource Waters (ONRWs) or Tier 3 waters receive the greatest level of protection. The Water Quality Control Board designates these waters. New discharges or expansion of existing discharges cannot degrade existing water quality.

The Department identifies other high quality waters known as Tier 2 waters and protects against their degradation. The Water Quality Control Board may allow some degradation if the Board deems it economically and socially necessary. Tier 1 waters refer to other surface waters that do not have the identification and/or designation as high quality. These waters must achieve and maintain Tennessee's Water Quality Standards.

State of Tennessee Policy of Non-Discrimination

Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Environment and Conservation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities. Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to the EEO/AA Coordinator, Office of General Counsel, 401 Church Street, 20th Floor L & C Tower, Nashville, TN 37243, 1-888-867-7455.

ADA inquiries or complaints should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor L & C Tower, Nashville, TN 37243, 1-866-253-5827. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298). Such contact may be in person, by writing, telephone, or other means and should be made prior to **July 14, 2006**, to allow time to provide such aid or services.

Please bring this notice to the attention of persons who you know will be interested.